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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,012	05/05/2005	Santtu Naukkarinen	915-007.141	8466

4955 7590 04/13/2009
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EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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04/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,012

Applicant(s)

NAUKKARINEN ET AL.

Examiner

TU X. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/5/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

Applicant's arguments filed 2/26/09 have been fully considered but they are not persuasive.

In response to Applicants argue the selection criterion at paragraph 0120 is not the current posture of the apparatus but rather relates to the accuracy of the GPS data, the Examiner disagrees, Levin teaching a portable navigation device provides indication of its true heading (par.027-0030), the portable navigation device processor receives condition outputs from various sensors GPS, INS/IMU, Magnetometer (different modes) and selects from various operational modes (par.0102). The various operational modes may provide different accuracy position of the navigation device while the navigation heading to; in that, the accuracy of the GPS is only an addition factor of the selection of operational modes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-10 and 14-25, are rejected under 35 U.S.C. 102(e) as being anticipated by Levine et al. (US Patent 2003/0135327).

Regarding claim 1, Levine et al. disclose an apparatus comprising at least one processing component configured to process data (see fig.1, element 110) indicative of the current posture of said apparatus for enabling a posture related presentation of information to a user via an said-output said processing including selecting one of at least two different modes (par.0102) of presentation depending on said current posture of said apparatus (see par.027-030).

Regarding claims 2 and 16, Levine et al. disclose said at least one processing component is configured to present compass information via said output component based on said data (see par.0073).

Regarding claims 3 and 17, Levine et al. disclose further comprising said output component, wherein said output component comprise a 3D display for presenting compass information (see par.0073).

Regarding claims 4 and 18, Levine et al. disclose at least one processing component is configured to present a floating compass on said 3D display based on said data (see par.100).

Regarding claim 5, Levine et al. disclose said at least one processing component is configured to receive said data indicative of the current posture of said apparatus from a 3D magnetometer and, wherein said at least one processing component is configured to use additional measurement data provided by at least one additional sensor for enabling a posture related presentation of information via said output means component (see par.073).

Regarding claim 6, Levine et al. disclose at least one processing component is configured to use said additional measurement data provided by said at least one additional sensor at least for one of the following: adjusting a presentation of information via said output component and filtering signals provided by said 3D magnetometer (see par.106).

Regarding claim 7, Levine et al. disclose further comprising said at least one additional sensor, wherein said at least one additional sensor comprise a 2D or 3D linear accelerometer configured to measure system in three dimensions (see par.106).

Regarding claim 8, Levine et al. disclose further comprising said at least one additional sensor, where in said at least one additional sensor comprises a 3D angular accelerometer configured to measure the angular acceleration of said mobile electronic system in three dimensions (see par.106).

Regarding claim 9, Levine et al. disclose further comprising said 3D magnetometer, wherein said 3D magnetometer is configured to provide first data indicating a current heading of said mobile electronic system, wherein said 3D angular accelerometer is configured to provide second data indicating a current heading of said mobile electronic system, and wherein said at least one processing component comprises a complementary filter configured to combine said first and said second data indicating a current heading of said mobile electronic system (see par.102).

Regarding claim 10, Levine et al. disclose realizing an inertial navigation system (see par.010).

Regarding claim 14, Levine et al. disclose a user equipment comprising a mobile electronic system (see par.097).

Regarding claim 15, Levine et al. disclose a method for use in a mobile electronic system, said method comprising: performing magnetic measurements in three dimensions in said mobile electronic system; determining data indicative of the current posture of said mobile electronic system based on said performed magnetic measurements; and processing said data for enabling a posture related presentation of information to a user of said mobile electronic system, said processing comprising selecting one of at least two different modes (par.0102) of presentation depending on said current posture of said apparatus (see par.027-030).

Regarding claim 19, Levine et al. disclose performing additional measurements in said mobile electronic system, wherein said processing is based in addition on measurement data resulting in said additional measurements (see par.106).

Regarding claim 20, Levine et al. disclose said processing comprises using said additional measurement data at least for one of the following: adjusting a presentation of information and filtering signals resulting in said performed magnetic measurements (see par.106).

Regarding claim 21, Levine et al. disclose performing said additional measurements comprises measuring the acceleration of said mobile electronic system in three dimensions (see par.106).

Regarding claim 22, Levine et al. disclose performing said additional measurements comprises measuring the angular acceleration of said mobile electronic system in three dimensions (see par.010).

Regarding claim 23, Levine et al. disclose processing comprises combining first data indicating a current heading of said mobile electronic system and second data indicating a current heading of said mobile electronic system by a complementary filtering, which first data is based on said magnetic measurements and which second data is based on said angular acceleration measurement (see par.010).

Regarding claim 24, Levine et al. disclose a mobile electronic system comprising an output component enabling a presentation of information to a user of said mobile electronic system; - a 3D magnetometer configured to perform magnetic measurements in three dimensions and to provide data indicative of the current posture of said mobile electronic system based on said measurements; and - at least one processing component configured to process said data provided by said 3D magnetometer for enabling a posture related presentation of information via said output component, said processing including selecting one of at least two different modes (par.0102) of presentation depending on said current posture of said apparatus (see par.027-030).

Regarding claim 25, Levine et al. disclose an apparatus comprising - means for receiving data indicative of the current posture of said apparatus and for processing said data for enabling a posture related presentation of information to a user, said processing including selecting one of at least two different modes (par.0102) of presentation depending on said current posture of said apparatus (see par.027-030); and - means for linking said means for receiving and processing data to means for performing magnetic measurements in three dimensions and for providing said data

indicative of the current posture of said apparatus based on said measurements (see fig.1, element 110, par.073).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine et al. in view of Ellenby et al. (US Pub. 20020140745).

Regarding claim 11, Levine et al. disclose at least said output component is comprised in a user equipment, wherein at least said 3D magnetometer, wherein said user equipment and said complementary unit comprise respective connection component rigidly and electrically connecting said complementary.

Levine et al. fail to disclose said 3D magnetometer is comprised in a complementary unit external to said user equipment.

Ellenby et al. disclose said 3D magnetometer is comprised in a complementary unit external to said user equipment (see fig.8-19, element 81, par.0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Levine et al. with the above teaching of Ellenby et al. in order to provide an external Magnetometer device ready for integration with the mobile device.

Regarding claims 12-13, the combined Levine et al. disclose a complementary unit for a mobile electronic (see fig. 8-10).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Primary Examiner, Art Unit 2618

4/10/09